

Program Eligibility

Does the project fit the program? This question can be answered "yes" only after three questions are answered affirmatively. Transportation enhancement activities must meet three basic criteria, based on instruction from the Federal Highway Administration:

“What is the direct relationship to the intermodal transportation system?”

Projects must have at least one direct relationship to the intermodal transportation system, which consists of all forms of transportation in a unified, interconnected manner. This relationship may be one of function, proximity, or impact. For example:

- A bikeway is a *functional* component of the intermodal transportation system.
- Removal of outdoor advertising in the viewshed of a highway is justified in light of its *proximity*. (Proximity can be confusing because any project appears eligible by virtue of being near a roadway, however, there will be no tenuous or contrived relationships. When the relationship is by proximity, how does the activity significantly enhance the transportation experience?)
- Water pollution control alongside an existing highway to protect or improve a drinking water supply would qualify based on the *impact* of the highway in terms of water pollution.

“Is this over and above a normal project?”

Enhancement activities are over and above normal transportation projects. Typically, a normal transportation project may include mitigation, standard landscaping, other permit requirements and provisions negotiated as a condition of obtaining a permit for a normal [non-enhancement] transportation project. If this proposal is an enhancement to a larger project, check the environmental document for these items – Is the proposed enhancement part of the project description? Is it listed as mitigation? If so, the activity is not “over and above” a normal project. Is it a permit requirement? Permitting agencies might include federal agencies such as U.S. Forest Service, Bureau of Land Management, or U.S. Corps of Engineers. State permitting agencies might include State Department of Fish and Game. Regional permitting agencies might include a regional water quality control board. Maintenance activities are not eligible. Projects to retrofit existing sidewalks for compliance with Americans with Disabilities Act requirements are not eligible.

“Which category or categories encompass the transportation enhancement activities?”

Projects must be selected from one or more of the twelve activities categories. Only those activities listed in U.S. Code, Title 23 Section 1010 (a) are eligible to be accounted for as transportation enhancement activities. If project eligibility in these twelve categories is not clear, the applicant will provide reasoning for including it, and a determination will be made by the RTPA, Commission, Caltrans, and Federal Highway Administration.

(NOTE: Guidance on the new areas of eligibility is forthcoming from the Federal Highway Administration. New areas of eligibility are highlighted in boldface type.)

The twelve categories are:

1. Provision of facilities for pedestrians and bicycles.
2. Provision of safety and educational activities for pedestrians and bicyclists
3. Acquisition of scenic easements and scenic or historic sites.
4. Scenic or historic highway programs (including the provision of tourist and welcome center facilities)
5. Landscaping and other scenic beautification.
6. Historic preservation.
7. Rehabilitation and operation of historic transportation buildings, structures or facilities (including historic railroad facilities and canals).
8. Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails).
9. Control and removal of outdoor advertising.
10. Archaeological planning and research.
11. Mitigation of water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.
12. Establishment of transportation museums.

Eligibility of projects has been interpreted broadly by Caltrans and the Federal Highway Administration. The following discussion presents the thinking behind decisions to define eligibility of the ten categories.

Ten Eligible Transportation Enhancement Activities Categories

1. *Provision of facilities for pedestrians and bicycles.*

This category provides an opportunity to create linkages in the existing transportation system by funding bicycle and pedestrian modes of travel. The bicycle and pedestrian modes connect people to activity centers, such as businesses, schools, shopping and recreation areas, and to other modes.

Projects accommodate bicyclists or pedestrians beyond or in addition to what is necessary for safe accommodation. This includes activities that enhance the transportation system through more aesthetic routing or design or improving other existing facilities to make them more usable for pedestrians and bicyclists, such as adding bicycle parking at a rail station. The purpose of the project must be for transportation but if a recreation experience is gained as a result of the transportation facility, this does not exclude the activity from consideration under this program.

Activities are not eligible where they are conducted as an incidental and routine part of new transportation projects in order to accommodate routine use by pedestrians and bicycles. Paved shoulders, wide curb lanes, sidewalks, and curb cuts are not eligible if incidental and routine to road construction or reconstruction; however, Class II bicycle lanes are eligible. Projects may not be for maintenance activities or other replacement facilities; for example, pavement overlays on the same alignment and same width are not eligible.

While all projects must meet the Americans with Disabilities Act (ADA) mandate of accessibility, projects to retrofit existing facilities solely for conformance to accessibility standards in the California Building Code do not qualify. Construction of neighborhood sidewalks is regarded as normal work.

Projects for parking lots for *future* bicycle or pedestrian facilities are not eligible.

Questions about standards for bikeway designs or for bicycle facilities such as lockers and parking facilities can be addressed by the Caltrans Bicycle Coordinator at (916) 653-0036. Bikeway Planning and Design (Section 1000 of the Highway Design Manual) is available from the Caltrans Publications Unit, 1900 Royal Oaks Drive, Sacramento, CA, 95815.

Example of Projects: Bicycle lockers at rail stations, bus depots, airports, recreation facilities. Bicycle lockers over and above standard policy at park and ride lots. Bikeways: Class I (bike paths); Class II (bike lanes); Class III (bike routes). Bikeways or pedestrian paths which separate these modes of travel

from the motorized transportation system. Bike racks on transit systems. Acquisition, development, and construction of separate pedestrian or bicycle facilities on or off road rights-of-way or in relation to transit facilities are examples of eligible activity, as are improvements to facilities which go beyond basic access and mobility.

2. *Provision of safety and educational activities for pedestrians and bicyclists – guidance is forthcoming from Federal Highway Administration*

3. *Acquisition of scenic easements and scenic or historic sites*

This category may be applied to purchase, donation, transfer, or trade of lands which possess significant aesthetic, historic, natural, visual, or open space values, acquisition of which enhances the transportation experience as part of the transportation system, or as a significant part of the transportation viewshed.

Funds may be used for transaction costs including appraisals, surveys, legal costs, or purchase costs. Acquisition of scenic or historic sites includes expenditure of funds for the purchase or the use of funds to accept the donation, transfer, or trade of (a) less than fee interests, for example, easements, in land which possess significant scenic, historic, or cultural values and (b) fee title acquisition of such lands and any property listed in the California Register of Historic Resources or eligible for listing in the National Register of Historic Places.

Land acquired for its scenic qualities must be maintained for its scenic qualities. Mechanisms must be in place to enforce significant scenic or historic values, and the project sponsor must agree to enforce mechanisms to preserve them. The owner of any property acquired must be willing to participate in a preservation covenant attached to the deed of the property. Such a covenant ensures that future work on the property will respect the scenic or historic integrity of the property.

Lands acquired for scenic purposes may not be developed in a manner that degrades the scenic character and quality of the site. Public access is allowed.

The purpose of the project must be for scenic or historic acquisition, but if a wildlife habitat or corridor is gained as a result of the acquisition, this does not exclude the activity from consideration under this program.

Scenic acquisition of a degraded area may be eligible on condition that the agency restores the site to scenic status within this or a later project phase. (Restoration does not have to be done using federal enhancement funds.)

Where proposed projects appear to be primarily park improvements with incidental transportation enhancement activities incorporated into the park

improvement project, the transportation enhancement will be eligible, but not the park improvement.

Example of Projects: Acquisition of Big Sur viewsheds. San Pedro Point Viewshed. Acquisition of a historic bridge, historic transportation terminal, land around a historic site adjacent to a scenic highway. Acquisition of historic properties which qualify for protection under the National Register or California Register or are designated in a local register.

4. Scenic or historic highway programs **(including the provision of tourist and welcome center facilities) – Guidance for centers is forthcoming from Federal Highway Administration.**

This category covers protection and enhancement of designated state scenic highways or federally designated scenic byways and state or federally eligible or designated historic highways. Funds may be used only for activities that will protect and enhance the scenic and historic integrity and visitor appreciation of an existing highway and adjacent area.

Example of Projects: Historic Pasadena Freeway, historic bridge signing, interpretive plaques or restoration of historic lighting standards, historic Old Highway 50, historic Feather River Highway and historic Euclid Avenue. Historic aesthetic treatment on retaining walls and guardrails. Visually sensitive bridge rails (guard rails on bridges) which meet Caltrans and FHWA safety requirements, for use on scenic highways and in areas of high visual sensitivity.

5. **Landscaping and other scenic beautification.**

This category includes landscape planning, design and construction activities which enhance the aesthetic or ecological resources along transportation corridors, points of access, and lands qualifying for other categories of transportation enhancement activities.

Architectural treatment, applied or integrated, of transportation structures, including bridges and highways beyond Caltrans' utilitarian design may be considered an enhancement activity, as long as it is beyond mitigation required to comply with CEQA, NEPA, and other permitting agencies' requirements. The primary purpose must be to enhance the scenic view.

Projects which blend the transportation system into the surroundings, making the system less intrusive, or otherwise enhance the aesthetic resources or beauty of the transportation system may include planning, design and construction of scenic vistas and overlooks, restoration of historic landscapes, and public art and design enhancements. Projects which enhance the ecological balance along a transportation corridor include planning, testing and planting for

restoration or reintroduction of native plant communities and appropriate adaptive species, and the provision of interpretive information about the federal and state agency programs through which ecological resources are preserved.

Projects on the National Highway System must be consistent with Caltrans' overall landscape program and policies, and will be approved by the Caltrans District Landscape Architect.

Projects may not be for temporary, routine, incidental or maintenance activities such as grass cutting, tree pruning or removal, erosion control, screen planting, construction of noise barriers, drainage improvement or post-construction finish work such as replanting and reseeding.

Plantings on the State Highway System may only be for that portion which is over and above Caltrans' policy no. 3.5.1, dated July, 1990, for standard planting in warranted areas.

Projects mainly for museum facility or park development work are not eligible, although park development elements that are necessary for and incidental to the eligible transportation enhancement activity, such as interpretation elements, may be considered eligible.

Graffiti-resistant coatings do not qualify as scenic beautification because they do not change the appearance of the surface, they must be reapplied at least every three to five years (a maintenance activity) and they do not preclude the re-application of graffiti.

Example of Projects: 'Gateway' plantings to communities. Retrofitting existing noise barriers (built before May 22, 1992, when it became standard practice) with landscaping. Rockwork in existing landscaping. Replacement of a utilitarian bridge with one of appropriate architectural qualities in a setting which calls for more than a utilitarian design. Landscaping transplants to move trees outside of clear zones and into more attractive, safer locations. Sculpture or other artwork at gateway entrance to communities or in California "Main Street" projects. Roadside Ecological Viewing Areas. Design and installation of visually sensitive bridge rails (guard rails on bridges), which meet Caltrans and FHWA safety requirements.

6. Historic preservation.

Historic, cultural properties, and archaeological resources determined eligible for or listed in the California Register of Historical Resources or a locally-designated resource, if the local designation is based on locally-adopted, written criteria, are eligible for transportation enhancement activity funding. Section 5024.1 of the California Public Resources Code defines the California Register as an authoritative guide in California to be used by state and local agencies,

private groups, and citizens to identify the state's historical resources. The California Register includes properties determined eligible for or listed on the National Register of Historic Places, most California State Historical Landmarks, and State Points of Historical Interest. In addition, the California Register may include locally designated historic and prehistoric resources as well as local survey inventories using the National Register standards.

This category includes acquisition, protection, rehabilitation, interpretation, restoration, and stabilization or any combination of the foregoing, of any prehistoric or historic district, site, building, structure, landscape, or object (and artifacts and records related to it) listed or eligible for inclusion in the California Register or the National Register of Historic Places.

All work must be done in compliance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, the Secretary of the Interior's Standards for Treatment of Historic Properties, or the State Historic Building Code and must be managed under the direction of professionals meeting the standards published in the Code of Federal Regulations, 36 CFR, Part 61. The qualifications define minimum education and experience required to perform eligible historic preservation activities. In some cases, additional areas or levels of expertise may be needed depending on the complexity of the task and the nature of the historic properties involved.

A substantial transportation linkage is required for a project to be considered eligible.

Projects should enhance the transportation system by improving the ability of the public to appreciate the historic significance of the project itself or the area to be served by the project.

In some circumstances, the cultural and sacred values of Native American or other ethnic community sites may require the inclusion of additional viewpoints. Proposals referring to such sites must be accompanied by evidence that appropriate Native American and ethnic community representatives have been consulted.

Incidental Americans with Disabilities Act (ADA) compliance elements are eligible only as required by the transportation enhancement project.

This category does not include reconstruction, i.e., building replicas of historic structures or buildings. It does not include the creation of museums, or of visitor centers; however, restoration of a building that will later be modified and used as a public museum is eligible. Maintenance activities are not eligible.

A preservation project arising from the deferring of maintenance – which was to have been done as a condition of a previous agreement for its preservation – will not be eligible.

Tenant improvements are not eligible costs.

Example of Projects: Stabilizing Chitactac Native American Village site and interpreting it to travelers and tourists. Restoration and interpretation along the Baja/Alta California Mission Period Heritage Corridor. Rehabilitation of historic buildings that serve the transportation system as multi-modal centers. Interpretation of placer mining at Alpha Omega Rest Area on Highway 20 and at Gold Run Rest Area on Highway 80. Restoration of historic maritime resources such as lighthouses. Restoration of a historic landscape on a highway. Rehabilitation of historic places, activities that encourage or facilitate historic interpretation for the public of sites associated with roads and other transportation facilities, heritage tourism, preservation or improvement of the appearance or quality of a historic property, district, or landscape, assistance in providing research and educational opportunities or related services on individual or related historical resources.

7. *Rehabilitation of historic transportation buildings, structures or facilities (including historic railroad facilities and canals).*

Historic transportation buildings are buildings or related structures associated with the operation, passenger and freight use, construction or maintenance of any mode of transportation where such building is listed or eligible for listing in the California Register or the National Register of Historic Places.

Structures and facilities include tunnels, bridges, trestles, embankments, rails or other guideway, non-operational vehicles, canal viaducts, tow paths and locks, stations and other built transportation features integrally related to the operation, passenger and freight use, construction, or maintenance of any mode of transportation.

Rehabilitation means the process of returning the property to a state which makes possible a contemporary use while preserving the significant historic features of that property. Subsequent conversion costs or tenant improvements are not eligible.

Example of Projects: Santa Fe Depot in San Diego. Central Valley railroad depots and train stations on the San Francisco Peninsula commute. Restoration of historic ferry terminals. Interpretive displays as part of historic bridge replacement projects. Costs on historic bridges over and above normal mitigation.

8. *Preservation of abandoned railway corridors (for conversion to pedestrian or bicycle trails).*

This category includes the acquisition, rehabilitation and development of corridors for public bicycle or pedestrian use. In some cases it could allow preservation without capital improvements, although *emphasis is placed on current enhancement value*. This category permits the development and rehabilitation of privately-owned rail corridors to bicycle or pedestrian facilities open to the general public without charge. This may not be used solely for rail preservation. A declaration of intent for future bike or pedestrian use is required. Failure to open the lands acquired for bicycle and pedestrian use within ten years from the start of the right of way phase means the administering agency will have to reimburse the Federal Highway Administration.

Example of Projects: Sacramento Northern Railway Bicycle Trail extension. Biz Johnson Trail on old Southern Pacific right of way in Susanville. Southern Pacific Santa Paula Branch Line Acquisition. Northwest Pacific Railroad Bike Path in Larkspur. Tidewater Bikeway in Manteca.

9. *Control and removal of outdoor advertising.*

This includes the control and removal of existing nonconforming outdoor advertising signs, billboards, displays, and devices, which are in addition to removal of illegal signs required to exercise effective control of outdoor advertising under Section 131 of Title 23. "Nonconforming" is defined in the California Administrative Code, Title 4 Chapter 6. In general, a nonconforming sign was placed lawfully, but does not conform to subsequent enacted laws. Priority shall be given to the removal of outdoor advertising signs, displays, and devices in conjunction with other enhancement activities, and nonconforming displays along scenic highways. This category may include compilation of an accurate inventory of nonconforming outdoor advertising displays.

If displays are conforming, Caltrans expects the agency with jurisdiction to have in place an ordinance or other mechanism to preclude replacement displays in the same transportation corridor.

Example of Projects: Purchase and removal of nonconforming billboards on designated scenic highways. Purchase of scenic easements along transportation corridors or viewsheds to prevent visual degradation.

10. *Archaeological planning and research.*

This includes, but is not limited to, research on sites qualified for transportation enhancement funds; experimental activities in archaeological site preservation and interpretation; planning to improve identification, evaluation and treatment of archaeological sites; problem-oriented synthesis using data derived

from (though not limited to) transportation-related archaeological activities; local and regional research designs to guide future surveys, data recovery, and synthetic research; and activities having similar purposes carried out in partnership with other federal, state, local and tribal government agencies and non-governmental organizations.

This category includes rehabilitating archaeological dig records and curation of artifacts previously recovered along the transportation corridor to enhance significance and public appreciation for the site through interpretative signs, displays, and publications.

Projects primarily for data entry into geographic information systems to accommodate future normal transportation projects are not eligible.

Although museum creation is not an eligible activity, public exhibit of the artifacts may be eligible.

All work must be done in compliance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation or Secretary of the Interior's Standards for Historic Preservation Projects and must be managed under the direction of professionals meeting the standards published in the Code of Federal Regulations, 36 CFR, Part 61. The qualifications define minimum education and experience required to perform eligible historic preservation activities. In some cases, additional areas or levels of expertise may be needed depending on the complexity of the task and the nature of the historic properties involved.

In some circumstances, the cultural and sacred values of Native American or other ethnic community sites may require the inclusion of additional viewpoints. Proposals referring to such sites must be accompanied by evidence that appropriate Native American and ethnic community representatives have been consulted.

This category is not for excavations.

Example of Projects: Regional or statewide research. Upgrade or expansion of regional curation facilities to meet federal and state guidelines, in order to regionalize archaeological collections and facilitate regional archaeological research. Statewide or regional archaeological study for State Routes in archaeologically sensitive areas, developing an Archaeological Inventory similar to the existing Bridge Inventory. Rehabilitation of archaeological dig records and artifacts previously recovered along a highway to enhance significance and public appreciation for the site through interpretive signs and publications. Construction of traveling displays of artifacts for schools.

11. Mitigation of water pollution due to highway runoff **or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity - Guidance is forthcoming from Federal Highway Administration.**

These projects are for facilities and programs reducing or eliminating pollution from storm water runoff from highway facilities in addition to current requirements and procedures for such mitigation. The pollution must be due to materials washing off of the roadway surface. Projects that demonstrate aesthetic and ecological methods for mitigation and enhance recharge are encouraged.

Projects may have groundwater recharge, multiple resource benefits, and aesthetic preservation components, but only when secondary to the purpose of mitigating water pollution due to highway runoff.

No activity that has been identified as a requirement of a stormwater permit is eligible for enhancement funding.

Acquisition of land in and of itself is not considered an eligible mitigation of water pollution unless the acquisition itself fulfills the mitigation objective. Projects to acquire degraded land to rehabilitate into mitigation for highway runoff must have absolute commitments of funds and completed plans for the mitigation work prior to application.

Example of Projects: Water pollution control alongside an existing highway to protect or improve a drinking water supply. Storm drain stenciling projects. Santa Monica stormwater treatment facility enhancements.

12. Establishment of transportation museums – guidance is forthcoming from Federal Highway Administration

All Categories/All Projects

In addition, the project must fit into the general federal requirements. These are listed in the "Screening Criteria".

Eligible Costs

The applicant must prepare an accurate cost estimate for proposed transportation enhancement activities. Agencies unfamiliar with the kinds of costs incurred on Title 23 federal-aid projects that are eligible for reimbursement should refer to the Local Assistance Procedures Manual and must confer with their Caltrans District prior to the application deadline.

Transportation enhancement activities funds are reimbursable federal-aid moneys, subject to all the requirements of Title 23, United States Code. They are for capital improvements. Feasibility study projects are ineligible, which of themselves provide no enhancement to the public. If a study shows the project to be feasible and a financial plan shows a credible source of operating funds, capital phases may be eligible for enhancement funds. These include preliminary engineering (including environmental studies), real property acquisition, and construction costs associated with conducting an eligible activity. These funds are not to be used for program planning; however, they may be used for bicycle and pedestrian safety activities and archaeological planning projects.

Improvements to private property and commercial facilities are not eligible, but may include properties for public use, owned by a public not-for-profit corporation.

Many projects are a mix of elements, some on the list of 12 categories and some not. Those project elements which are on the list may be counted as transportation enhancement activities. For example, a rest area might include an adjacent historic site purchased and developed as an interpretive site illustrating local history. The historic site purchase and development qualifies as a transportation enhancement activity.

Activities which are not explicitly on the list might qualify if they are an integral part of a larger qualifying activity. For example, if the rehabilitation of a historic railroad station required the construction of new drainage facilities, the entire project could be considered a transportation enhancement activity. Similarly, environmental analysis, project planning, design, land acquisition, and construction activities necessary for implementing qualifying transportation enhancement activities are eligible for funding. For example, costs for environmental mitigation required for the enhancement project itself are reimbursable.

Transportation enhancement activities may not in themselves be routine or customary elements of transportation projects or mitigation for project impacts in compliance with the requirements of environmental, or other federal, state, or

local laws, even if those aspects will otherwise constitute a specified transportation enhancement.

Project funding under the transportation enhancement program is not available for a non-applicant agency to perform its normal required review and permit functions.

Convict labor is not a reimbursable cost.

Costs involved in applying for funds are not eligible. Any costs incurred prior to written approval to proceed by Caltrans are not eligible.